THE HON'BLE MR JUSTICE V.ESWARAIAH

WRIT PETITION NO: 913 of 2006

Between:

Shaik Shahabuddin & others

..... PETITIONERS

AND

Cuddapah Municipality, rep., by its Commissioner,

Cuddapah District, Andhra Pradesh & others.

.....RESPONDENTS

HONOURABLE SRI JUSTICE V.ESWARAIAH

WRIT PETITION NO.913 OF 2006

ORDER:

It is stated that the petitioners are the owners of the houses mentioned in the cause title of the writ petition situated at Kadapa Municipal Corporation. It is further stated that they have not encroached any land belonging to the respondent and they have constructed the houses in their own lands. While so, the respondents are asking the petitioners to surrender the portions of their properties for the purpose of widening the road. As the Kadapa Municipal Corporation decided to widen the road, it has identified 26 roads to be widened. It is stated that the petitioners are not against the widening of the road, but their only grievance is that without following due procedure prescribed under law,

they cannot be deprived of their properties.

It is always open for the respondents to acquire the land/immovable property by way of an agreement under Section 146 of the Hyderabad Municipal Corporation Act, and if no such agreement is arrived at, they can acquire the land in accordance with Section 147 of the Hyderabad Municipal Corporation Act, which is also applicable to the Kadapa Municipal Corporation.

Having regard to the facts and circumstances of the case, the writ petition is disposed of directing the respondents not to demolish the structures or take away any portion of the properties of the petitioners without following due procedure prescribed under Sections 146 and 147 of the Hyderabad Municipal Corporation Act. No order as to costs.

17th January, 2006

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